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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,075	09/24/2002	Axel Brandes	10191/2283	7260

26646 7590 10/19/2004

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NEW YORK, NY 10004

EXAMINER

NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
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2687

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DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,075

Applicant(s)

BRANDES ET AL.

Examiner

Khai M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (U.S. Pat-6658232).

Regarding claim 1, Johnson teaches a method for transmitting data via a radio transmitter, wherein the data include at least one Internet address (fig.1, col.1, lines 44-54, col.2, lines 33-40)).

Regarding claim 2, Johnson teaches the method as defined in claim 1, wherein the at least one Internet address is transmitted as part of a data signal transmitted alongside a program content (fig.1, col.2, lines 20-32).

Regarding claim 3, Johnson teaches the method as defined in claim 2, wherein the at least one Internet address is transmitted as part of a data signal transmitted according to the Radio Data System (RDS) standard or the SWIFT/DARC standard (fig.1, col.2, lines 20-32).

Regarding claim 4, Johnson teaches the method as defined in claim 2, wherein the at least one Internet address is transmitted within a Videotext signal (fig1-3, col.2, lines 33-40, col.3, lines 49-65).

Regarding claim 5, Johnson teaches the method as defined in claim 1, wherein the at least one Internet address is transmitted within a radio signal according to a standard for digital terrestrial or satellite radio (fig.1-3, col.1, lines 22-34, col.2, lines 33-40), in particular according to the Digital Audio Broadcasting (DAB) standard or the Digital Satellite Radio (DSR) standard (col.2, lines 20-32).

Regarding claim 6, Johnson teaches a method for receiving data broadcast by a radio transmitter, wherein the data include at least one Internet address (fig.1-3, col.2 lines 20-40).

Regarding claim 7, Johnson teaches the method as defined in claim 6, wherein the at least one Internet address is transmitted as part of a data signal transmitted alongside a program content (fig.1, col.2, lines 20-32), in particular according to the Radio Data System (RDS) standard, the SWIFT/DARC standard, or the Videotext standard (fig.1-3, col.2, lines 20-40, col.3, lines 49-65).

Regarding claim 8, Johnson teaches the method as defined in claim 6, wherein the at least one Internet address is transmitted within a radio signal according to a standard for digital terrestrial or satellite radio (fig.1-3, col.1, lines 22-34, col.2, lines 33-40), in particular according to the Digital Audio Broadcasting (DAB) standard or the Digital Satellite Radio (DSR) standard (col.2, lines 20-32).

Regarding claim 9, Johnson teaches the method as defined in one of claims 6 through 8, wherein the at least one Internet address is isolated within a radio receiver suitable for reception of the broadcast data (col.1, line 44 to col.2, line 5).

Regarding claim 10, Johnson teaches the method as defined in one of claims 6 through 9, wherein at least one of the at least one addresses is automatically selected via a communication interface (6), in particular a radio interface (fig.1-3, col.1, line 44 to col.2, line 5, col.3, lines 22-46).

Regarding claim 11, Johnson teaches the method as defined in claim 10, wherein data available at the or a selected Internet address are retrieved via the communication interface (fig.1-3, col.1, line 44 to col.2, line 5, col.3, lines 31-65).

Regarding claim 12, Johnson teaches the method as defined in claim 11, wherein data transmitted via the communication interface are outputted optically or acoustically via the radio receiver or a separate output unit (col.2, lines 20-40).

Regarding claim 13, Johnson teaches the method as defined in claim 11, wherein data transmitted via the communication interface are used to control the radio receiver or other components connected to the radio receiver or directly to the communication interface (col.2, lines 20-40, col.2, line 56 to col.3, line 3).

Regarding claim 14, Johnson teaches a radio receiver, characterized by a recognition circuit (24) for the isolation of Internet addresses from received data transmitted by radio (col.2, line 56 to col.3, line 3).

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Regarding claim 15, Johnson teaches the radio receiver as defined in claim 14, characterized by a communication interface (6), in particular a radio interface, for selection of an Internet address isolated from received data (fig.1-3, col.1, line 44 to col.2, line 5, col.3, lines 22-46).

Regarding claim 16, Johnson teaches the radio receiver as defined in claim 15, characterized by an evaluation system (250) for data retrieved via the communication interface (6) from a selected Internet address (fig.1-3, col.1, line 44 to col.2, line 5, col.3, lines 31-65).

Regarding claim 17, Johnson teaches the radio receiver as defined in claim 16, characterized by configuration of the evaluation system (250) for the generation of control signals on the basis of data retrieved from the selected Internet address (fig.1-3, col.1, line 44 to col.2, line 5, col.3, lines 31-65), in order to control the radio receiver (2) or components connected to the communication interface (6) (col.2, line 56 to col.3, line 3).

Regarding claim 18, Johnson teaches a method for controlling a radio receiver or a device connected to the radio receiver by data received by the radio receiver, wherein the data include at least one Internet address (fig.1-3, col.1, lines 44-53); the at least

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one Internet address is formulated as a query for specific data made available by a provider (fig.1-3, col.2, lines 33-55); and the radio receiver or the device connected to the radio receiver is controlled as a function of data queried via a communication interface in accordance with the at least one received Internet address (fig.1-3, col.1, line 44 to col.2, line 5, col.5, lines 4-33).

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Kung et al. (U.S. Pat-6775267) discloses Method for billing IP broadband subscribers.

b) Farber (U.S. Pat-6631261) discloses Mobile station for adaptation to a radio interface access method that is supported by a mobile radio telephone network, and method and communication system for adapting same.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M Nguyen whose telephone number is 703.305.3906. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703.308.7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Au: 2687

9/10/2004


NICK CORSARO
PRIMARY EXAMINER